

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2865 - SB 3520

April 11, 2012

SUMMARY OF BILL: Authorizes a person to file for expungement of his or her public record involving a criminal offense, if at the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses committed in other states, other than nonviolent offenses and the person has fulfilled all requirements of the sentence imposed by the court. Requires a person seeking expungement to petition the court in which the petitioner was convicted of the nonviolent offense for which the petition is filed. Defines nonviolent as an offense that does not have as an element the use, attempted use, or threatened use of physical force; is not a felony offense that by its nature involves a substantial risk that physical force will be used; does not involve the use of a firearm; is not a sex offense that requires registration on the sex offender registry; and does not cause the victim(s) to sustain a loss of \$25,000 or more. If the court denies the petition, the petitioner may not file another such petition until at least two years from the date of denial. Requires a court to grant a petition, if after 10-years of eligibility, an eligible petitioner has not had a petition granted.

ESTIMATED FISCAL IMPACT:

On March 11, 2012, a fiscal note was issued estimating a fiscal impact as follows:

*Increase State Expenditures - \$4,900/One-Time
\$175,700/Recurring*

Based on additional information provided by the Tennessee Bureau of Investigation, the assumptions have been corrected to clarify the basis for the fiscal impact. The fiscal impact remains unchanged.

**Increase State Expenditures - \$4,900/One-Time
\$175,700/Recurring**

Corrected Assumptions:

- According to the Tennessee Bureau of Investigation (TBI), there were 646,643 non-violent offenses reported in 2011. TBI assumes 55,000 additional expungement requests each year as a result of this bill.
- TBI would need five additional data processing operator positions to process the additional requests. Each data processing operator would process 50 requests per day or 11,000 per year.

HB 2865 - SB 3520 (CORRECTED)

- An increase in state expenditures of \$175,675 reflects the salary (\$23,900), benefits (\$9,475), and other related supplies (\$1,760) for five additional positions.
- A one-time increase in expenditures of \$4,900 reflects office supplies (\$980) for each position.
- Under current law, a defendant petitioning a court for expunction of records because the charge against the person was dismissed as a result of the successful completion of a diversion program is assessed a \$50 fee. According to the TBI, a fee cannot be charged for the expungements authorized by the proposed bill; therefore, no revenue is estimated.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc